



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,448	02/18/2004	Barry Bratcher	N9911	3474

7590 01/19/2005

Waddey & Patterson, P.C.
Bank of America Plaza
Suite 2020
414 Union Street
Nashville, TN 37219

EXAMINER

PAHNG, JASON Y

ART UNIT	PAPER NUMBER
----------	--------------

3725

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant(s) 10/781,448	Applicant(s) BRATCHER ET AL.
	Examiner Jason Y Pahng	Art Unit 3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-93 is/are pending in the application.
- 4a) Of the above claim(s) 40-87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 88,92 and 93 is/are rejected.
- 7) ☒ Claim(s) 89-91 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/19/04 & 5/24/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group III, claims 88-93, in the reply filed on December 13, 2004 is acknowledged.

Allowable Subject Matter

Claims 89-91 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa (US 5,993,795) in view of Skerik (US 4,907,167). Osawa discloses substantially all of the claimed structure including:

1. a grinder (column 4, line 66 – column 5, line 7);
2. a juice pH monitoring and adjustment (column 5, lines 32-50);

3. a heater to heat the juice to a first temperature for a first length of time (column 5, lines 32-50); and
4. a centrifuge (column 5, line 51-53).

Osawa does not disclose automation via computer control of the above processing apparatus.

Skeirik discloses a computer automation of manufacturing systems as summarized in the abstract. Skeirik discloses motivation for the usage of the computer controlling system for manufacturing processes (column 2, line 66 – column 3, line 15) including reduced cost, improved quality, etc. Thus, Skeirik's control system is deemed reasonably to be suggested for any manufacturing process including the above reference. Columns 10-28 of Skeirik summarizes a wide variety of controllable manufacturing processes including specific systems (column 13, line 45 – column 14, line 68). The process is monitored and controlled along with the development of a historical database of measurements for any manufacturing process (column 24, line 40 – column 25, line 30). Report generation is also disclosed (column 25, lines 21-23). Thus, it would have been obvious at the time the invention was made to modify Osawa to automate and computer control its process apparatus as taught by Skeirik because Skeirik's control system can be used for any manufacturing process including that of Osawa's process apparatus.

Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa (US 5,993,795) in view of Skeirik (US 4,907,167) as applied above, further in view of Takaoka (US 5,687,922). The claim calls for a first cutter, a second cutter, and a press.

It is well known for a sesame grinder to have a first cutter and a second cutter. In a closely related art, Takaoka discloses a sesame grinding device with a first cutter and a second cutter. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Osawa (as modified by Skeirk) with a first cutter and a second cutter, as such would be a mere matter of a design choice, specifically disclosed by Takaoka. With regard to the press, it is considered that Osawa's disclosure of a squeezing process (column 5, lines 16-20) is an inherent disclosure of a press.

Claim 93 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa (US 5,993,795) in view of Skerik (US 4,907,167) as applied above, further in view of Oktay (US 5,647,429). While Osawa (as modified by Skerik) disclose heating means, Osawa does not specifically recite a heater with flexible length piping. It is an ordinary engineering to use a flexible length piping for a heater. In a closely related art pertinent to the problem, Oktay disclose a heater with flexible length piping (column 4, lines 31-34). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Osawa (as modified by Skerik) with a heater with flexible length piping, as such would be a mere matter of a design choice, specifically disclosed by Oktay.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y Pahnng whose telephone number is 571 272

Art Unit: 3725

4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on 571 272 4521. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JYP



Allan N. Shoap
Supervisory Patent Examiner
Group 3700